

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-384-C - ORDER NO. 2000-664
AUGUST 16, 2000

IN RE: Application of Trans National)	ORDER
Communications International, Inc. for a)	DENYING
Certificate of Public Convenience and)	APPLICATION
Necessity to Operate as a Reseller of)	WITHOUT
Interexchange Telecommunications Services)	PREJUDICE
within the State of South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Trans National Communications International, Incorporated for a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the State of South Carolina. The Commission's Executive Director instructed Trans National Communications International to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Trans National Communications International's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. Trans National Communication International complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No Petitions to Intervene or Protests were filed.

A hearing was convened on February 10, 2000, at 11:00 a.m. in the Commission's Hearing Room at 101 Executive Center Drive, Columbia, South Carolina. The Honorable Philip

Bradley, Chairman, presided. Trans National Communications International was not represented by counsel. Jocelyn D. Green, represented the Commission Staff.

Jonathan Ranger, Assistant Vice President of Systems Operations, appeared and offered testimony in support of the Application. Mr. Ranger testified during the hearing that to his knowledge TransNational Communications International had not received revenues from the completion of intrastate calls in South Carolina. Mr. Ranger continued by stating Trans National Communications, Incorporated was certified in South Carolina some time ago and Trans National Communications, Inc. has been dissolved and its receivership was sold to Sprint. Furthermore, according to Mr. Ranger, for a period of approximately two years, Trans National Communications, Inc. and Trans National Communications International, Inc., which are sister companies, were previously under the same management and billing systems. Mr. Ranger continued by stating Trans National Communications International, Inc. is a separate legal entity and there could have been some telecommunications traffic that migrated from Trans National Communications to Trans National Communications International; however, he could not clarify at the hearing which traffic could have migrated from Trans National Communications to Trans National Communications International.

After the hearing, TransNational Communications International filed a late filed exhibit which addressed the revenue the Company has received from intrastate calls in South Carolina prior to receiving certification. The late filed exhibit indicates that in 1999 the amount of usage that Trans National Communications International billed to customers located in South Carolina was \$21,260.26. Additionally, the late filed exhibit states “being a telecommunications carrier that resells service that is marketed through a network of independent agents, it is inevitable that

those agents will occasionally put customers onto our service with locations in South Carolina.”

(Late Filed Exhibit 10)

S.C. Code Ann. §58-9-280 (Supp. 1999) states “no telephone utility shall begin the construction or operation of any telephone utility plant or system, or any extension thereof, except those ordered by the commission under the provisions of Section 58-9-270, without first obtaining from the commission a certificate that public convenience and necessity require or will require such construction or operation.” The late filed exhibit submitted by the Company states “in 1999, the amount of intrastate usage that Trans National Communications International billed to customers located in South Carolina was \$21,260.26.” We find that Trans National Communications International operated in South Carolina as a telephone utility in violation of S.C. Code Ann. §58-9-280 (Supp. 1999) by providing telecommunications services in South Carolina without obtaining from the Commission a Certificate of Public Convenience and Necessity.

Trans National Communications International is responsible for obeying the laws of this State and the revenue reported by the Company from the completion of intrastate calls in South Carolina illustrates their noncompliance with S.C. Code Ann. §58-9-280 (Supp. 1999). The amount of revenue collected by the Company from intrastate calls in South Carolina indicates that the telecommunications traffic involved was not incidental traffic as the source and amount of revenue received by the Company does not indicate that the Company had occasional customers in South Carolina . Furthermore, the amount of revenue collected is indicative of a concerted marketing effort by the Company in violation of South Carolina law. Trans National Communications International is responsible for the actions of its agents and the Company should only market its services in those areas where it is certified to provide its

telecommunications services. We strongly disapprove of the Company's actions as Trans National Communications International clearly operated in violation of South Carolina law by providing intrastate telecommunications services in South Carolina prior to receiving certification.

IT IS THEREFORE ORDERED THAT:

1. Trans National Communications International, Incorporated's Application for a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications within the State of South Carolina is denied without prejudice. The Company operated in violation of S.C. Code Ann. § 58-9-280 by collecting revenue from intrastate calls in South Carolina in excess of twenty-one thousand dollars.

2. Trans National Communications International shall refund intrastate revenues collected in South Carolina without authorization to all of its South Carolina customers. Additionally, the Company shall certify to the Commission that the refunds have been made for auditing purposes.

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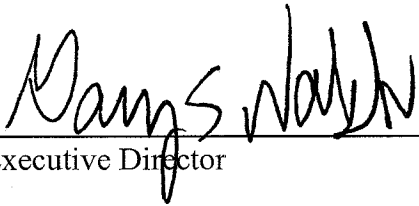
3. This Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)